

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Donald E. Yauger
Laura K. Yauger
Debtor(s)**

Bankruptcy Case No.: 16-22627-GLT
Issued Per 10/3/2016 Proceeding
Chapter: 13
Docket No.: 27-2
Concl. Conf.: January 19, 2017 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 15, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,138.00 as of October, 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Jan. 19, 2017 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: The secured claim(s) of the following creditor(s) shall govern as to claim amount, to be paid at modified terms of the plan: Claim No. 11 of Community Bank, Claim No. 7 of Spring Leaf.

Claim No. 1 of Quantum Group governs as to amount to be paid at 0% interest in an amount to be determined by Trustee at Section 5 of the plan.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Dated: October 7, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Donald E. Yauger
 Laura K. Yauger
 Debtors

Case No. 16-22627-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 25

Date Rcvd: Oct 07, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 09, 2016.

db/jdb +Donald E. Yauger, Laura K. Yauger, 27 Chaffee Street, Uniontown, PA 15401-4603
 14259921 +Bank of America, N.A., Attn: Bankruptcy, NC4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012
 14259926 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477 (address filed with court: Collection Service Center, Attn: Collection Center, P.O. Box 14931, Pittsburgh, PA 15234)
 14267205 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14259922 +Capital One Bank, N.A., P.O. Box 30285, Salt Lake City, UT 84130-0285
 14259923 +Central Credit/Penn Credit, Attn:Bankruptcy, P.O. Box 988, Harrisburg, PA 17108-0988
 14259925 +Citibank/Best Buy, Centralized Bankruptcy/CitiCorp Credit, P.O. Box 790040, St Louis, MO 63179-0040
 14259929 +NCC Business Services, Inc., 9428 Baymedaows Road, Suite 200, Jacksonville, FL 32256-7912
 14259930 +Paterno & Felix, A.P.C., 4545 Murphy Canyon Road, 3rd Floor, San Diego, CA 92123-4363
 14259935 +Trac/CBSD, P.O. Box 6500, Sioux Falls, SD 57117-6500

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscidi@recoverycorp.com Oct 08 2016 01:10:41
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
 14301094 +E-mail/Text: bankruptcy@cavps.com Oct 08 2016 01:09:44 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14259927 E-mail/Text: svlainich@communitybank.tv Oct 08 2016 01:09:38 Community Bank, 100 North Market Street, P.O. Box 357, Carmichael, PA 15320-0357
 14282385 +E-mail/Text: svlainich@communitybank.tv Oct 08 2016 01:09:38 Community Bank, 90 West Chestnut Street, Suite 100, Washington, PA 15301-4524
 14259928 E-mail/Text: camanagement@mtb.com Oct 08 2016 01:09:18 M&T Bank, Attn: Bankruptcy, 1100 Werhle Drive, 2nd Floor, Buffalo, NY 14240
 14281920 E-mail/Text: camanagement@mtb.com Oct 08 2016 01:09:18 M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
 14274217 E-mail/Text: bnc-quantum@quantum3group.com Oct 08 2016 01:09:20 Quantum3 Group LLC as agent for, Crown Asset Management LLC, PO Box 788, Kirkland, WA 98083-0788
 14263441 E-mail/Text: bnc-quantum@quantum3group.com Oct 08 2016 01:09:20 Quantum3 Group LLC as agent for, Sterling Jewelers Inc, PO Box 788, Kirkland, WA 98083-0788
 14262793 E-mail/PDF: rmscidi@recoverycorp.com Oct 08 2016 01:11:31 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
 14259931 E-mail/PDF: cbp@springleaf.com Oct 08 2016 01:12:14 Springleaf Financial Services, 219 Walmart Drive, Suite C, Uniontown, PA 15401
 14274885 E-mail/PDF: cbp@springleaf.com Oct 08 2016 01:12:14 Springleaf Financial Services, P.O. Box 3251, Evansville, IN 47731-3251
 14298400 E-mail/PDF: gecscidi@recoverycorp.com Oct 08 2016 01:10:39 Synchrony Bank, c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
 14259932 +E-mail/PDF: gecscidi@recoverycorp.com Oct 08 2016 01:11:30 Synchrony Bank/ Home Depot, C/O P.O. Box 965036, Orlando, FL 32896-0001
 14259933 +E-mail/PDF: gecscidi@recoverycorp.com Oct 08 2016 01:12:11 Synchrony Bank/Home Design Floorcare, P.O. Box 965036, Orlando, FL 32896-5036
 14259934 +E-mail/PDF: gecscidi@recoverycorp.com Oct 08 2016 01:10:39 Synchrony Bank/Lowes, Attn: Bankruptcy, P.O. Box 103104, Roswell, GA 30076-9104

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
 cr Lakeview Loan Servicing, LLC
 14259924* +Central Credit/Penn Credit, Attn: Bankruptcy, P.O. Box 988, Harrisburg, PA 17108-0988
 TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 25

Date Rcvd: Oct 07, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 09, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 7, 2016 at the address(es) listed below:

Jeffrey S. Golembiewski on behalf of Debtor Donald E. Yauger jgolembiewski@yahoo.com, denisegole@yahoo.com

Jeffrey S. Golembiewski on behalf of Joint Debtor Laura K. Yauger jgolembiewski@yahoo.com, denisegole@yahoo.com

Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmllawgroup.com

Matthew Christian Waldt on behalf of Creditor Bank of America, N.A. mwaldt@milsteadlaw.com, bkecf@milsteadlaw.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmeccf@chapter13trustee.wda.com

TOTAL: 6